



PATENT

#9/A
12-16-02
/ [Signature]IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of

Examiner: Leigh Maier

DEC 13 2002

Mary et al

Art Unit: 1623

TECH CENTER 1600/2900

Application No.: 09/752,926

Filed: January 2, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on

Title: Novel Therapeutic Application of Enoxaparin

December 6, 2002

Date of Deposit

Bonnie Stein
Signature

[Signature]

AMENDMENT

Commissioner for Patents

Washington, D.C. 20231

Sir:

In response to the Office Action of September 9, 2002, kindly amend the above-identified application as follows:

In the Claims:

Kindly cancel claims 2 and 3 without prejudice.

REMARKS

Claims 2 and 3 have been cancelled, thereby obviating the rejections thereof under 35 U.S.C. § 102(b) set forth on pages 3 and 4 of the Action.

The remaining rejection, that of claim 1 as being unpatentable under 35 U.S.C. § 102(b) as anticipated by PRATT et al is respectfully traversed. Thus, PRATT et al only deal with the treatment of one of the consequences of cerebral ischemia induced by photothrombotic lesion, namely the edema induced by the ischemia. The reference deals only with the ability of enoxaparin to reduce the edema. It reports a 25-30% reduction in excess water content in the lesion area. However, it is totally silent about any effect on the size of the lesion (ischemia) itself. There is nothing in the reference to hint at, much less suggest or anticipate, applicants' surprising discovery that enoxaparin also has anti-ischemic action and results in a smaller ischemic lesion in treated vs. untreated animals. Accordingly, that anticipation rejection of claim 1 is untenable and should be withdrawn.